

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 3, 1999

DIVISION ONE

B126017 The People (Certified for Publication)
v.
Superior Court, Los Angeles County
(Johannes, r.p.i.)

We issue the writ and reverse the trial court's order dismissing the petition. We remand the case to the trial court with instructions to reinstate the petition.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B122403 People (Not for Publication)
v.
Gomez

We remand for the trial court to correct the abstract of judgment to reflect the restitution fine it imposed. In all other respects, the judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

March 3, 1999-Continued

DIVISION ONE (Continued)

B119760 Williams (Not for Publication)
v.
United Interstate Financial Services Inc. et al.

The order appealed from is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B121691 Los Angeles County, D.C.S. (Not for Publication)
v.
Thomas C.

The juvenile court is ordered to vacate its jurisdictional and dispositional orders of April 20, 1998, and to dismiss the petition.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION TWO

B120948 People (Certified for Publication)
v.
Barrera

The judgment is modified to reflect a \$200 restitution fine pursuant to Penal Code section 1202.4, subdivision (b) and a \$200 fine pursuant to Penal Code section 1202.45, the latter fine to be suspended unless appellant's parole is revoked. The abstract of judgment is to be amended to reflect these fines. In all other respects, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Zebrowski, J.

March 3, 1999-Continued

DIVISION TWO (Continued)

B122976 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Darrin J.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Zebrowski, J.

B095016 Hebert (Not for Publication)
 v.
 City of Santa Monica

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

B111128 Rabani (Not for Publication)
 v.
 Moritz

The judgment is affirmed. Respondent Moritz is awarded costs on appeal.

Nott, Acting P.J.

We concur: Zebrowski, J.
 Mallano, J. (Assigned)

March 3, 1999-Continued

DIVISION TWO (Continued)

B114185 DeSoto (Not for Publication)
v.
Ward

The order of May 21, 1997, is affirmed. Parties are to bear their own costs on appeal.

Mallano, J. (Assigned)

We concur: Boren, P.J.
Zebrowski, J.

B121904 Funderburk (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Zebrowski, J.

B122273 Pamela B. (Not for Publication)
v.
Superior Court, Los Angeles County

The judgment is affirmed.

Zebrowski, J.

We concur: Nott, Acting P.J.
Mallano, J. (Assigned)

March 3, 1999-Continued

DIVISION TWO (Continued)

B124876 Lakeesha W. (Not for Publication)
 v.
 Superior Court, Los Angeles County

The order terminating parental rights is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION FOUR

B114281 St. Paul Fire & Marine Insurance Co.(Not for Publication)
 v.
 Aetna Casualty & Surety Co.

The judgment is affirmed. Respondent Aetna is awarded its costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B121845 People (Not for Publication)
 v.
 Mallory

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J. (Assigned)

DIVISION FOUR (Continued)

B122102 People (Not for Publication)
v.
Adriana Carol F.

The Court:

For the foregoing reasons, we modify the juvenile court's finding to reflect that appellant committed a misdemeanor battery of a peace officer in violation of Penal Code section 243, subdivision (b). As modified, we affirm the juvenile court's finding that appellant is person described by Welfare and Institutions Code section 602.

Epstein, Acting P.J., Hastings, J., Curry, J. (Assigned)

DIVISION FIVE

B125084 Los Angeles County, D.C.S (Not for Publication)
v.
Sheila B.
In re Erin Marie A.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B114277 Gene and Rosemary Tarnowski (Not for Publication)
v.
Michigan Millers Mutual Insurance Company

The order denying appellants' motion to vacate the judgment entered upon confirmation of the arbitration award is affirmed. Respondent to recover its costs on appeal.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J. (opinion)

March 3, 1999-Continued

DIVISION FIVE (Continued)

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The maximum period of confinement is reduced to seven years. As modified, the order is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B120945 People (Not for Publication)
v.
Cleophus T. Bealey

The judgment is modified by imposing and suspending pursuant to Penal Code section 1202.45 an additional \$200 parole revocation restitution fine. As modified, the judgment is affirmed. The clerk of the superior court is directed to amend the abstract of judgment to reflect the two \$200 restitution fines and then to deliver the amended abstract of judgment to the Department of Corrections.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B116861 Jesus Cortez
v.
Yamaha Motor Corp, U.S.A.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

March 3, 1999-Continued

DIVISION SIX

B114776 Li-Ann Lee (Not for Publication)

V.

City of Rancho Palos Verdes, etc.

The judgment is affirmed. The parties shall each bear their own costs.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Coffee, J.

B118473 People (Not for Publication)

V.

McNeese

The judgment of conviction is affirmed.

Burke, J. (Assigned)

We concur: Yegan, Acting P.J.
Coffee, J.

B123599 Harris (Not for Publication)

V.

Ventura County Employees' Retirement Association

The judgment is affirmed. Harris shall bear costs on appeal.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SEVEN

B117097 People
 v.
 Anton

Filed order denying petition for rehearing.

B119355 Doctor's Medical Laboratory
 v.
 Kathleen Connell

Filed order denying petition for rehearing.

B114273 People v. Silva (Not for Publication)
B117139 People v. Silva

The judgment of conviction is affirmed. The order granting defendant's motion to dismiss the willful, premeditated and deliberate allegation is reversed, and the sentence imposed is vacated and set aside. The cause is remanded to the trial court with directions to enter an order denying the motion to dismiss the special allegation and reinstating the jury's determination that the attempted murder was willful, premeditated and deliberate. The cause is further remanded for resentencing in accordance with the views expressed herein.

Boland, J. (Assigned)

We concur: Woods, Acting P.J.
 Neal, J.

B124371 People (Not for Publication)
 v.
 Mitchell

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

March 3, 1999-Continued

DIVISION SEVEN (Continued)

B107834 Yamahata (Not for Publication)
v.
Tiffany & Company

The order granting summary adjudication of the first cause of action is affirmed. The judgment of nonsuit is reversed. Appellant shall receive his costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B114386 Edwards, et al. (Not for Publication)
v.
Western Mutual Insurance Company

The order denying appellant's motion to compel arbitration is reversed, and the matter is remanded for further proceedings consistent with this opinion. Each side shall bear its own costs.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

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The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.